



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,508	11/30/2000	Masayuki Hoshi	P107156-00030	8912

7590 10/27/2003

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 600
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339

EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/725,508

Applicant(s)

HOSHI, MASAYUKI

Examiner

Truc T Chuong

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 08/11/03.
2. Claims 1-12 are pending in this application. Claims 1, 9, 11, and 12 are independent claims. In Amendment A, claims 1, 2, and 8-12 are amended. This action is made final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

4. Claims 1-4, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (U.S. Patent No. 5,808,608).

As to claim 1, Young teaches timer reservation device for starting a recording onto a record medium automatically at a reserved date and time, comprising:

reservation setting means capable of setting a first reserved program to reserve repetitive executions of a reservation setting for a plurality of days (fig. 4), said reservation setting extending from a recording start time to a recording end time (col. 24 lines 14-64 and fig. 25);

remaining capacity detecting means for detecting the recordable remaining capacity of said record medium (col. 8 line 66 and figs. 12-13); and

calculating means for calculating up to what date the recording of said first reserved program is executable on said record medium (col. 4 lines 29-36), based on the recordable remaining capacity (figs. 12-13) and the recording time of one execution of said first reserved program (variable length, col. 4 lines 52-67).

Art Unit: 2174

As to claim 2, Young teaches the timer reservation device according to claim 1, wherein:
the timer reservation device further comprises an onscreen data generating unit for generating a video signal to display specifics of said first reserved program and the due date calculated by said calculation means on a screen of a display means externally connected to the timer reservation device (col. 5 lines 31-58, col. 17 lines 25-27, figs. 4-7 and 13).

As to claim 3, Young teaches the timer reservation device according to claim 1, wherein said reservation setting means selects at least one from among daily, day of week, Monday-Saturday, and Monday-Friday to reserve the repetitive executions of said reservation setting for a plurality of days (repeatedly recorded in CH7 of fig. 4).

As to claim 4, Young teaches the timer reservation device according to claim 1, wherein:
the timer reservation device compresses a record signal at a predetermined compression rate (EP or SP of fig. 4) and recording the resultant on said record medium (What's on This Tape of fig. 13); and

said calculating means calculates a recording capacity necessary for one execution of the reservation setting of said first reserved program based on the recording time of one execution of said first reserved program and said compression rate, subtracts the necessary recording capacity from the recordable capacity repetitively, and sets the due date at the date of the last reservation setting to be executed with remaining capacity (Element 88, Tape Time Remaining, fig. 13).

As to claim 11, it is individually similar in scope to claim 1 above; therefore, rejected under similar rationale.

Claim Rejections - 35 USC § 103

5. Claims 5-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (U.S. Patent No. 5,808,608) in view of Windows NT Screen Capture 1 and 2.

As to claim 5, Young teaches the timer reservation device according to claim 2, wherein:
said reservation setting means is also capable of setting a second reserved program to reserve an execution of a reservation setting at a designated date alone, said reservation setting extending from a recording start time to a recording end time (CH 13 of fig. 4, and Start and End Time of fig. 25); and

the timer reservation device, if said second reserved program is to be executed prior to the first-to-be-executed reservation setting of said first reserved program (the viewer can select priority for each channel, col. 16 lines 53-67); however, Young does not clearly teach requires a recording capacity smaller than or equal to the recordable capacity of said record medium, displays on said display means that the recording to be executed for said second reserved program is recordable on said record medium. Windows NT Screen Capture 1 clearly demonstrates a display is showing the recording (copying) status of the process if there is enough disk space. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have this status feature of the Windows NT to Young's schedule system to be able to cancel the recording (copying) process.

As to claim 6, Young teaches the timer reservation device according to claim 5, wherein the timer reservation device, if said second reserved program is to be executed prior to the first-to-be-executed reservation setting of said first reserved program and requires a recording capacity greater than the recordable capacity of said record medium (see claim 5 above);

Art Unit: 2174

however, Young does not teach displaying on said display means that the recording for said second reserved program is unrecordable on said record medium. Windows NT Screen Capture 2 clearly demonstrates an error message is showing the status of unrecordable (unable to copy) of the process. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to add this error status feature of the Windows NT to Young's schedule system to notify the user.

As to claim 7, it is individually similar in scope to claim 6 above; therefore, rejected under similar rationale.

As to claim 8, the limitation of this claim can be found in claims 6 and 7. Note the rejections of claims 6 and 7 above.

As to claim 9, the limitations of this claim can be found in claims 1 and 5. Note the rejections of claim 1 and 5 above.

As to claim 10, it is individually similar in scope to claim 2 above; therefore, rejected under similar rationale.

As to claim 12, it is individually similar in scope to claim 9 above; therefore, rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed in Amendment A have been fully considered but they are not persuasive.

Applicants argued the following:

a. Young fails to disclose the structure of the claimed invention.

Art Unit: 2174

- b. Microsoft Windows NT reference material does not show the publication date prior to the filing date of the invention.

The Examiner disagrees for the following reasons:

Per (a), in the rejection of claim 1 above, Young's schedule system clearly teaches a structure of his invention in sequential and logical manner with the claimed invention by showing timer reservation device for starting a recording onto a record medium automatically at a reserved date and time (col. 2 lines 5-36), a reversed program to reserve repetitive executions of a reservation setting for a plurality of days (fig. 4), setting extending from a recording start time to a recording end time (col. 24 lines 14-64 and fig. 25), capacity detecting for detecting the recordable remaining capacity (col. 8 line 66 and figs. 12-13), and calculating up to what date the recording of first reserved program is executable record medium (col. 4 lines 29-36), based on the recordable remaining capacity (figs. 12-13) and the recording time of one execution of said first reserved program (variable length, col. 4 lines 52-67).

Per (b), all Microsoft Windows Operation Systems (since Microsoft Windows 3.1 came out in 1992) are capable of performing similar procedures in copying files by using File Manager or Window Explore to get the same results as Screen Captures 1 and 2. Furthermore, a third screen capture shows publication date (see Screen Capture 3) prior to the filing date of the invention.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2174

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong

10/15/03

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100